

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE NEW YORK TIMES COMPANY,

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI, INC.,
OPENAI LP, OPENAI GP, LLC, OPENAI, LLC,
OPENAI OPCO LLC, OPENAI GLOBAL LLC,
OAI CORPORATION, LLC, OPENAI
HOLDINGS, LLC,

Defendants.

No. 1:23-cv-11195-SHS-OTW

DAILY NEWS, LP; CHICAGO TRIBUNE
COMPANY, LLC; ORLANDO SENTINEL
COMMUNICATIONS COMPANY, LLC; SUN-
SENTINEL COMPANY, LLC; SAN JOSE
MERCURY-NEWS, LLC; DP MEDIA NETWORK,
LLC; ORB PUBLISHING, LLC; AND
NORTHWEST PUBLICATIONS, LLC,

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI, INC.,
OPENAI LP, OPENAI GP, LLC, OPENAI, LLC,
OPENAI OPCO LLC, OPENAI GLOBAL LLC,
OAI CORPORATION, LLC, OPENAI
HOLDINGS, LLC,

Defendants.

No. 1:24-cv-03285-SHS-OTW

**DECLARATION OF ELANA NIGHTINGALE DAWSON IN SUPPORT OF OPENAI
DEFENDANTS' PRE-MOTION LETTER RE PROTECTIVE ORDER**

I, Elana Nightingale Dawson, declare as follows:

1. I am a partner at Latham & Watkins LLP, and counsel for Defendants OpenAI, Inc., OpenAI LP, OpenAI GP, LLC, OpenAI, LLC, OpenAI OpCo LLC, OpenAI Global LLC,

OAI Corporation, LLC, and OpenAI Holdings, LLC (hereafter “OpenAI”) in this matter. I have personal knowledge of the facts set forth in this declaration. If called as a witness, I could and would competently testify as to these facts under oath.

2. I submit this Declaration in Support of OpenAI’s Letter Requesting a Pre-Motion Conference Re Protective Order related to Dr. Ricardo Baeza-Yates.

3. Plaintiffs Daily News, LP; Chicago Tribune Company, LLC; Orlando Sentinel Communications Company, LLC; Sun-Sentinel Company, LLC; San Jose Mercury-News, LLC; DP Media Network, LLC; Orb Publishing, LLC; and Northwest Publications, LLC (the “Daily News Plaintiffs”) have disclosed 13 experts or consultants pursuant to Paragraph 16 of the Protective Order in this case. The CVs that the Daily News Plaintiffs provided for those experts or consultants indicated that three of them work in the field of artificial intelligence, and another five work in computer-related fields.

4. The CVs that the Daily News Plaintiffs provided to OpenAI for Dr. Baeza-Yates did not identify his role as the current Chief Scientific Officer for Theodora AI. OpenAI learned of Dr. Baeza-Yates’s role as Chief Scientific Officer through its own independent investigation.

5. On October 10, 2024, the parties conferred in good faith by video conference regarding OpenAI’s objection to the disclosure of highly confidential information to Dr. Baeza-Yates. The parties also conferred via email both before and after October 10. During the parties’ conferrals, the Daily News Plaintiffs did not identify any hardships that the Daily News Plaintiffs would suffer should they not be able to disclose OpenAI’s highly confidential information to Dr. Baeza-Yates.

6. The parties’ conferral efforts regarding OpenAI’s objection were unsuccessful.

7. Attached hereto as **Exhibit A** is a true and correct copy of the first CV for Dr.

Baeza-Yates that the Daily News Plaintiffs provided to OpenAI when disclosing Dr. Baeza-Yates.

8. After OpenAI informed the Daily News Plaintiffs that Dr. Baeza-Yates's CV appeared to be incomplete, the Daily News Plaintiffs provided OpenAI with a second CV for Dr. Baeza-Yates. Attached hereto as **Exhibit B** is a true and correct copy of the second CV for Dr. Baeza-Yates that the Daily News Plaintiffs provided to OpenAI.

9. Attached hereto as **Exhibit C** is a true and correct copy of a PDF printout of the Theodora AI website (Theodora.ai).

10. Attached hereto as **Exhibit D** is a true and correct copy of a PDF printout of Theodora AI's LinkedIn page.

11. Attached hereto as **Exhibit E** is a true and correct copy of the CV for Dr. Oren Etzioni that the Daily News Plaintiffs provided to OpenAI when disclosing him as a consultant to whom the Daily News Plaintiffs wanted to disclose highly confidential OpenAI information.

12. Attached hereto as **Exhibit F** is a true and correct copy of the CV for Dr. Melanie Mitchell that the Daily News Plaintiffs provided to OpenAI when disclosing her as a consultant to whom the Daily News Plaintiffs wanted to disclose highly confidential OpenAI information.

13. Attached hereto as **Exhibit G** a true and correct copy of the CV for Dr. Vinay Hooloomann that the Daily News Plaintiffs provided to OpenAI when disclosing him as a consultant to whom the Daily News Plaintiffs wanted to disclose highly confidential OpenAI information.

14. Attached hereto as **Exhibit H** is a true and correct copy of the email correspondence between the Daily News Plaintiffs and OpenAI regarding the disclosure of Dr. Baeza-Yates.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 18th day of October, 2024 in Silver Spring, Maryland.

By: 
Elana Nightingale Dawson